

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARIO QUIJADA,	:	CIVIL NO. 1:CV-08-2022
Plaintiff,	:	
	:	(Chief Judge Kane)
v.	:	
	:	
WARDEN BLEDSOE, et al.,	:	
Defendants	:	

MEMORANDUM

I. Background

Plaintiff Mario Quijada (“Quijada”), filed this civil rights action pursuant to 28 U.S.C. § 1331 on November 6, 2008. He is currently an inmate at the United States Penitentiary at Lewisburg (USP-Lewisburg), Pennsylvania. Named as Defendants in this action are six (6) current and former employees at USP-Lewisburg¹, as well as Mr. Dodrill, Regional Director of the Bureau of Prisons (“BOP”). In the complaint Quijada alleged that his due process rights were violated when he was placed in the Special Management Unit (“SMU”). He challenges the lack of a BOP Program Statement for the SMU, and the issuance of an incident report for refusing the program assignment. He also appeared to challenge the living conditions in the SMU, as well as events following a shake down that occurred on March 20, 2008, and a hunger strike that took place on March 21, 2008.

On January 26, 2009, in lieu of filing an answer to the complaint, Defendants filed a motion to dismiss and motion for summary judgment. After responding to Defendants’ motion,

¹ The USP-Lewisburg Defendants are: Troy Williamson, retired Warden; B.A. Bledsoe, Warden; Frank Strada and Chuck Maiorana, Associate Wardens; Frank Passaniti, Captain; and Dean Hollenbach, Unit Manager.

Quijada filed a request to submit an amended complaint seeking to add three (3) new Defendants based on the same allegations set forth in the original complaint. On September 16, 2009, the Court issued a Memorandum and Order granting Plaintiff's request to file an amended complaint, and dismissing, without prejudice, Defendants' motion to dismiss and for summary judgment. (Doc. No. 46.) Plaintiff was afforded fifteen (15) days within which to submit a proper amended complaint in this action setting forth all claims against all Defendants he wished to name in this action. In so doing, he was cautioned that he must set forth all claims he wished to pursue in this action, and must associate each claim with the specific Defendant alleged to have violated his constitutional rights.

An amended complaint was thereafter submitted by Plaintiff. (Doc. No. 47.) In the amended complaint Plaintiff names the original seven (7) Defendants, as well as the following three new Defendants, who appear to be Unit Team Members at USP-Lewisburg: Mr. Brewer, Mr. Houser and Mr. Reeves. In the amended complaint Plaintiff alleges that Defendants have violated his constitutional rights by placing him in the Special Management Unit at USP-Lewisburg without due process of law, and by continuing to confine him there. Presently pending before the Court is a motion by the original Defendants' for extension of time to respond to the amended complaint pending service on the newly added Defendants (Doc. No. 49); Plaintiff's Motion for Service of the Amended Complaint (Doc. No. 54); and Defendants' Motion for Extension of Time to Respond to Discovery Requests (Doc. No. 55).²

² Also pending on the docket is a "Declaration of Moreles-Madrid, Ricardo" filed by Plaintiff (Doc. No. 52). Plaintiff appears to submit this declaration as evidence in support of his claims. However, the declaration is not submitted in conjunction with any motion presently pending in this action. In fact, a response to the amended complaint has not yet been filed. As such, the Clerk of Court will be directed to strike the declaration from the docket and return it to

II. Discussion

In the amended complaint Plaintiff names the original seven (7) Defendants, and three (3) new Defendants. Plaintiff's Motion for Service of the amended complaint (Doc. No. 54) will be granted. The United States Marshal will be directed to serve the amended complaint on the newly named Defendants. The Clerk of Court will be directed to serve the amended complaint on the original seven (7) Defendants. Because counsel for the original Defendants believes he will ultimately be responsible for representing the newly named Defendants, he requests an enlargement of time within which to file one response to the amended complaint on behalf of all Defendants.³ (Doc. No. 49.) The motion for enlargement of time will be granted. A response to the amended complaint shall be filed on behalf of all Defendants within (60) days. In addition, Defendants' Motion for Enlargement of Time to respond to Plaintiff's discovery requests (Doc. No. 55) will be granted. A response to the discovery requests will be due within sixty (60) days of service of the amended complaint. An appropriate order follows.

Plaintiff at this time. Plaintiff is free to submit the declaration at a future date in support or opposition to a motion at that time.

³ In support of the request counsel states that he will need time to obtain approval from the Civil Division of the Office of the United States Attorney before being authorized to submit filings on behalf of the newly added Defendants.

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v.	:	
	:	
WARDEN BLEDSOE, et al.,	:	
Defendants	:	

ORDER

AND NOW, THEREFORE, THIS 19th DAY OF APRIL, 2010, in accordance with the foregoing Memorandum, **IT IS HEREBY ORDERED THAT:**

1. This matter will proceed on the amended complaint filed by Plaintiff on September 28, 2009 (Doc. No. 47). Plaintiff's Motion for Service of the Amended Complaint (Doc. No. 54) is **granted**.
2. The United States Marshal is directed to serve the amended complaint on the following new Defendants named therein: Mr. Brewer, Mr. Houser and Mr. Reeves. The Clerk of Court is directed to serve a copy of the amended complaint on the original Defendants.
3. Defendants' Motion for Extension of Time to respond to the amended complaint (Doc. No. 49) is **granted**. Defendants shall file their response within sixty (60) days from the date of this order.
4. Defendants' Motion for Extension of Time to respond to discovery requests (Doc. No. 55) is **granted**. Defendants shall respond to the discovery requests within sixty (60) days from the date of service of the amended complaint.
5. The Clerk of Court is directed to strike from the record and return to Plaintiff the declaration filed in this action on December 8, 2009 (Doc. No. 52).

S/ Yvette Kane
YVETTE KANE, Chief Judge
Middle District of Pennsylvania